

76-4-101 Attempt -- Elements of offense.

- (1) For purposes of this part, a person is guilty of an attempt to commit a crime if he:
 - (a) engages in conduct constituting a substantial step toward commission of the crime; and
 - (b)
 - (i) intends to commit the crime; or
 - (ii) when causing a particular result is an element of the crime, he acts with an awareness that his conduct is reasonably certain to cause that result.
- (2) For purposes of this part, conduct constitutes a substantial step if it strongly corroborates the actor's mental state as defined in Subsection (1)(b).
- (3) A defense to the offense of attempt does not arise:
 - (a) because the offense attempted was actually committed; or
 - (b) due to factual or legal impossibility if the offense could have been committed if the attendant circumstances had been as the actor believed them to be.

Amended by Chapter 154, 2004 General Session